

an abortion clinic. The title X project has violated paragraph (a) of this section.

(3) A title X project pays dues to a state association which, among other activities, lobbies at state and local levels for the passage of legislation to protect and expand the legal availability of abortion as a method of family planning. The association spends a significant amount of its annual budget on such activity. Payment of dues to the association violates paragraph (a)(3) of this section.

(4) An organization conducts a number of activities, including operating a title X project. The organization uses non-project funds to pay dues to an association which, among other activities, engages in lobbying to protect and expand the legal availability of abortion as a method of family planning. The association spends a significant amount of its annual budget on such activity. Payment of dues to the association by the organization does not violate paragraph (a)(3) of this section.

(5) An organization that operates a title X project engages in lobbying to increase the legal availability of abortion as a method of family planning. The project itself engages in no such activities and the facilities and funds of the project are kept separate from prohibited activities. The project is not in violation of paragraph (a)(1) of this section.

(6) Employees of a title X project write their legislative representatives in support of legislation seeking to expand the legal availability of abortion, using no project funds to do so. The title X project has not violated paragraph (a)(1) of this section.

(7) On her own time and at her own expense, a title X project employee speaks before a legislative body in support of abortion as a method of family planning. The title X project has not violated paragraph (a) of this section.

[53 FR 2945, Feb. 2, 1988]

EDITORIAL NOTE: For provisions of § 59.10 which have been suspended, see the EDITORIAL NOTE following the SOURCE of Subpart A.

**§ 59.11 What criteria will the Department of Health and Human Services use to decide which family planning services projects to fund and in what amount?**

(a) Within the limits of funds available for these purposes, the Secretary may award grants for the establishment and operation of those title X projects which will in the Department's judgment best promote the purposes of section 1001 of the Act, taking into account:

(1) The number of patients and, in particular, the number of low-income patients to be served;

(2) The extent to which family planning services are needed locally;

(3) The relative need of the applicant;

(4) The capacity of the applicant to make rapid and effective use of the Federal assistance;

(5) The adequacy of the applicant's facilities and staff;

(6) The relative availability of non-Federal resources within the community to be served and the degree to which those resources are committed to the project; and

(7) The degree to which the title X project plan adequately provides for the requirements set forth in these regulations.

(b) The Secretary shall determine the amount of any award on the basis of his estimate of the sum necessary for the performance of the title X project. No grant may be made for less than 90 percent of the title X project's costs, as so estimated, unless the grant is to be made for a title X project which was supported, under section 1001, for less than 90 percent of its costs in fiscal year 1975. In that case, the grant shall not be for less than the percentage of costs covered by the grant in fiscal year 1975.

(c) No grant may be made for an amount equal to 100 percent of the title X project's estimated costs.

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EDITORIAL NOTE: For provisions of § 59.11 which have been suspended, see the EDITORIAL NOTE following the SOURCE of Subpart A.